IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8371 OF 2005
IN
CRIMINAL APPEAL NO. -- OF 2005

Pankaj Sharma ...Applicant
V/s.
Jitendra Gaware & Ors. ...Respondents

Mr.Anoop Pandey i/b. Mrs.Manjula Rao & Kokila Kalra for the Applicant.
Mr.S.M. Gorwadlar for Respondent No.1.
Mr.Y.S. Shinde, APP for State.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 9, 2007

P.C. :-

. The applicant is the original complainant. He is challenging judgment and order passed by the JMFC Court No.5, Pune who has by his judgment and order dated 6.9.2005 was pleased to acquit the respondents for the offence punishable under Sections 323, 504 read with Section 34 of IPC.

2. I have perused the impugned order. The trial Court has observed that the prosecution has unable to prove the age of the injury and further taking into consideration the medical evidence, has held that

offence under Section 323 has not been proved. Further it has observed that no independent witness was examined to prove that the accused caused hurt to the complainant. Further after appreciating evidence on record, the trial Court has observed that the prosecution had failed in proving the offence under Section 504 beyond reasonable doubt.

3. Under these circumstances, no case is made out for grant of leave. Leave is refused. Appeal is dismissed.

(V.M. KANADE, J.)